

COX, WOOTTON, LERNER, GRIFFIN & HANSEN LLP

NORMAND R. LEZY 6297

E-Mail: nlezy@cwlfirm.com

MICHAEL J. NAKANO 6940

E-Mail: mnakano@cwlfirm.com

SHAWN L. M. BENTON 8332

E-Mail: sbenton@cwlfirm.com

Davies Pacific Center, Suite 1099

841 Bishop Street

Honolulu, Hawaii 96813

Telephone: (808) 744-7020

Facsimile: (808) 354-0427

Attorneys for Defendant
SAFEWAY INC.

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

CARYN TAKAHASHI,

Plaintiff,

vs.

SAFEWAY, INC.; JOHN DOES 1-10;
JANE DOES 1-10; DOE
PARTNERSHIPS 1-10; DOE
CORPORATIONS 1-10; and DOE
GOVERNMENT ENTITIES 1-10,

Defendants.

CIVIL NO. 22-00141
(Non-Vehicle Tort)

**NOTICE OF REMOVAL;
EXHIBITS “A” – “B”;
CERTIFICATE OF SERVICE**

NOTICE OF REMOVAL

TO THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII:

Pursuant to 28 U.S.C. §§1332, 1441, and 1446, Defendant SAFEWAY
INC. (incorrectly identified as “SAFEWAY, INC.”)(“SAFEWAY”), files this

Notice of Removal in the case now pending in the Circuit Court of the First Circuit, State of Hawaii, styled Caryn Takahashi v. Safeway, Inc., et al., Civil No. 1CCV-21-0001145. As grounds for removal, SAFEWAY states as follows:

1. On September 20, 2021, Plaintiff CARYN TAKAHASHI (“PLAINTIFF”) filed a complaint in Civil No. 1CCV-21-0001145 in the Circuit Court of the First Circuit, State of Hawaii, against SAFEWAY.

2. Upon information and belief, SAFEWAY states that no other party has been named or appeared in the action.

3. SAFEWAY was served with the complaint on March 2, 2022.

4. PLAINTIFF alleges in her complaint that SAFEWAY is liable to her for damages in connection with a September 22, 2019 accident that occurred on SAFEWAY’s premises.

5. PLAINTIFF is a citizen of the State of Hawaii.

6. SAFEWAY is a citizen of the State of Delaware (place of incorporation) and of the State of California (principal place of business).

7. PLAINTIFF alleges in her complaint that as the result of the September 22, 2019 accident she sustained serious injuries.

8. PLAINTIFF prays in her complaint for an award of general damages and damages against SAFEWAY. However, because Hawaii law prohibits *ad damnum* clauses in complaints, PLAINTIFF does not specify the amount of the damages that she prays for.

9. PLAINTIFF's counsel has affirmed that PLAINTIFF's claimed damages exceed the sum or value of \$75,000.00.

10. This court has original jurisdiction over civil actions where the matter in controversy exceeds the sum or value of \$75,000.00 and is between citizens of different States within the meaning of 28 U.S.C. §1332.

11. A true and correct copy of PLAINTIFF's complaint filed in the Circuit Court of the First Circuit, State of Hawaii, is attached hereto as Exhibit "A", and comprises all process, pleadings, and orders served upon SAFEWAY in the action.

12. A true and correct copy of SAFEWAY's answer to PLAINTIFF's complaint filed in the Circuit Court of the First Circuit, State of Hawaii, is attached hereto as Exhibit "B".

WHEREFORE, Defendant SAFEWAY INC. prays that the above-entitled action be removed from the Circuit Court of the First Circuit, State of Hawaii, to the United States District Court for the District of Hawaii.

DATED: Honolulu, Hawaii, April 1, 2022.

/s/ Normand R. Lezy
NORMAND R. LEZY
MICHAEL J. NAKANO
SHAWN L. M. BENTON
Attorneys for Defendant
SAFEWAY INC.